

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JUAN SANDERS,

Plaintiff,

v.

CIVIL ACTION NO.: 1:16CV102

CBCINNOVIS, INC.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
[DKT. NO. 12] AND GRANTING MOTION TO DISMISS [DKT. NO. 6]

On April 26, 2016, 2014, the pro se plaintiff, Juan Sanders ("Sanders"), an inmate at FCI Hazelton, filed a Complaint in the Circuit Court of Preston County, West Virginia, against defendant, CBCInnovis, Inc. ("CBC"), alleging defamation, violations of the West Virginia Consumer Credit Protection Act, and violations of the Fair Credit Reporting Act (doc. no. 1-1). CBC filed a notice of removal to this Court on June 1, 2016 (dkt. no. 1), and seven days later filed its motion to dismiss for failure to state a claim (dkt. no. 6). Sanders did not respond to the motion to dismiss.

The Court referred this matter to United States Magistrate Judge Michael J. Aloï for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2. On July 13, 2016, Magistrate Judge Aloï issued his R&R, in which he concluded that Sanders had failed to state a claim upon which relief may be granted, and that his defamation claim was preempted by the Fair Credit Reporting Act (dkt. no. 12). The R&R recommended that the

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Court grant CBC's motion and dismiss Sanders's complaint with prejudice. Id. at 7.

The R&R also specifically warned Sanders that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. Id. The parties did not file any objections.¹ Consequently, finding no clear error, the Court **ADOPTS** the R&R in its entirety (dkt. no. 12), **GRANTS** the motion to dismiss (dkt. no. 6), and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's active docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this order to counsel of record and to the pro se plaintiff, certified mail, return receipt requested.

Dated: November 17, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).